

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** AGENDA (SPECIAL MEETING/EXECUTIVE SESSION ADDED**

**CONSENT AGENDA: ITEM 28 CONTINUED; ITEM 30A
ADDED)**

COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Monday, May 17, 2004

MARKED AGENDA

4:30 P.M.

*****CITY COUNCIL SPECIAL MEETING**

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard - **4:33 P.M.**

Roll Call – **R.P. ABSENT**

1. Brief update on project status for development of new biomedical research facility at the Mayo Clinic Scottsdale campus for T-Gen and other biomedical research facilities.
2. MOTION TO RECESS INTO EXECUTIVE SESSION for: **OK – 6/0**

Legal advice and consultation with the City's attorney(s) to consider the City's position and instruct its representatives and attorneys regarding proposed revisions to the existing development agreement with T-Gen at the Mayo Clinic Scottsdale Campus on East Shea Blvd. A.R.S. 38-431.03 (A)(3), (A)(4) and (A)(7). Contact(s): Joseph Bertoldo, City Attorney, 480-312-2478, jbortoldo@scottsdaleaz.gov; Kelly Ward, Senior Assistant City Attorney, 480- 312-2405, kward@scottsdaleaz.gov.

Adjourn Special Meeting - 4:34 P.M.

CITY COUNCIL EXECUTIVE SESSION

Following 4:30 P.M. City Council Special Meeting

Call to Order - City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:30 P.M.

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard - **5:16 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **SCOUT TROOP #2029 FROM AZTEC ELEMENTARY SCHOOL**

Invocation – **REV. JACK SYLVESTER FROM BROTHERHOOD OF MAN CHURCH**

Presentations/Information Updates - **NONE**

Public Comment - - **JEANNE DUFFY – THANKED COUNCIL FOR FUNDING AZ ACTION FOR FOSTER CHILDREN THROUGH SCOTTSDALE CARES; RICK KIDDER – THANKED COUNCIL ON BEHALF OF SCOTTSDALE AREA CHAMBER OF COMMERCE FOR APPROVING FEE WAIVER PROGRAM TO HELP REVITALIZE THE CITY; JUDY CRIDER – THANKED COUNCIL FOR FUNDING LIBRARY EXPANSION; LYLE WURTZ – CONCERNED ABOUT PROPERTY APPRAISALS IN NORTHERN SCOTTSDALE. HE OBJECTED TO CITY CABLE 11 AIRING CAMPAIGN PROGRAMS.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – **OK – 7/0**

SPECIAL MEETINGS
May 3, 2004

REGULAR MEETINGS
May 4, 2004

EXECUTIVE SESSIONS

CONSENT AGENDA **ITEMS 1 – 30A**

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. Target 1327 Liquor License – OK - C

Request: This request is for a new series 10 (beer/wine store) license for a department store located in the Summit of Scottsdale shopping center.

Location: 32351 N. Scottsdale Road

Reference: 26-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

2. Oggis Pizza & Brewing Company Liquor Licenses – OK - C

Requests: This request is for a series 3 (microbrewery) and a series 12 (restaurant) liquor license for a new restaurant located in the Desert Fairways shopping center. This location is currently under construction with a proposed opening date of July 31, 2004.

Location: 8763 E. Bell Road, Suite 101

Reference: 27-LL-2004 & 31-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

3. Maggiano's Little Italy Liquor License – OK - C

Request: This request is for a series 12 (restaurant) liquor license for a new restaurant located in the Scottsdale Promenade. This location is currently under construction with a proposed opening date of June 1, 2004.

Location: 16405 N. Scottsdale Road, Building A

Reference: 28-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

4. Mardis Gras Bar & Grill Liquor License – OK - C

Request: This is a person transfer of a series 6 (bar) liquor license for a location that is currently open and operating under an interim permit. This business previously operated under the name Bogie's.

Location: 8040 E. McDowell Road

Reference: 29-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

5. Banana Leaf Asia Bistro Liquor License – OK - C

Request: This request is for a series 12 (restaurant) liquor license for a location that previously operated as Livingston's Soul Food Kitchen & Bar. This restaurant is currently closed for remodeling and has an estimated proposed opening date of May 2004.

Location: 7111 E. Thomas Road

Reference: 30-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

CONSENT AGENDA

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6. DC Ranch - Generalized Design Concept (GDC) for Town Center – OK - C

Request: Adopt Resolution No. 6493 approving the Generalized Design Concept for the Town Center Study Area at DC Ranch.

Location: DC Ranch

Reference: 54-ZN-1989#8

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

7. Main Street Residences & Main Street Mews Rezoning – OK - C

Requests:

1. Rezone from Highway Commercial, Downtown Overlay District (C-3 DO) to Downtown District, Residential/Hotel Subdistrict Type 2, Planned Block Development Overlay, Downtown Overlay (D-RH-2 PBD DO) with amended development standards on a 4.5 +/- acre parcel located at 6833 and 6875 E. Main Street (Southwest corner of Main Street and 69th Street).

2. Adopt Ordinance No. 3570 affirming the above rezoning.

Location: 6833 and 6875 E. Main Street (Southwest corner of Main Street and 69th Street)

Reference: 1-ZN-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@scottsdaleaz.gov

8. Property-Casualty Insurance Agent/Broker Services – OK - C

Request: Consider authorizing a Contract Modification, 2002-022A-COS, and extension to secure the professional services of a Property-Casualty Insurance Agent/Broker with Marsh USA, Inc. for services to be rendered for the period 5/28/04-05.

Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov; Myron Kuklok, Risk Management Director, 480-312-7841, [mkuklok@scottsdaleaz.gov](mailto:mukuklok@scottsdaleaz.gov)

9. Municipal Marketing Policy – Sponsorship and Naming Rights – CONTINUED TO LATER DATE - 7/0

Request: Adopt Resolution No. 6473 allowing City staff to pursue marketing and naming rights agreements with individuals, commercial enterprises and other organizations, and establishing a policy for these types of agreements. The intent of the resolution is to establish a consistent approach, criteria and guidelines specific to selling the names of City of Scottsdale owned or operated facilities or events or entering into sponsorship agreements as a means of recognizing support from an external organization or corporation.

Related Policies, References:

City Code Sign Requirements 8.100-8.615

City Procurement Code, Chapter 2, Article IV, Division 4

Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov; Lisa Murphy, Accounting Director 480-312-7009, lmurphy@scottsdaleaz.gov

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10. Comprehensive Financial Policies – OK - C

Request: Adopt Resolution No. 6488 relating to Comprehensive Financial Policies as the formal guidelines for the City of Scottsdale's financial planning and management.

Staff Contact(s): Craig Clifford, General Manager, 480-312-2364, cclifford@scottsdaleaz.gov

11. Intergovernmental Agreement for Feasibility Study of a Regional Granular Activated Carbon Reactivation Facility – OK - C

Request: Adopt Resolution No. 6489 authorizing the execution of Intergovernmental Agreement No. 2004-037-COS among the cities of Chandler, Glendale, Mesa, Peoria, Phoenix, Scottsdale and Tempe for the shared funding of a feasibility study of a regional granular activated carbon reactivation facility to ensure compliance with Federal drinking water requirements.

Related Policies, References:

Scottsdale Charter Sec. 3-1, Intergovernmental Relations

Scottsdale Procurement Code, Section 2-181

Staff Contact(s): David M. Mansfield, General Manager, Water Resources Department, 480-312-5681, dmansfield@scottsdaleaz.gov; Greg Crossman, Sr. Water Resources Engineer, 480-312-5319, gcrossman@scottsdaleaz.gov

12. Engineering Services to Evaluate Methods to Reduce Salinity in Reclaimed Effluent – OK - C

Request: Authorize contract modification #2003-007A-COS with Damon S. Williams Associates, L.L.C., in the amount of \$108,250 for the evaluation of methods to reduce salinity in reclaimed effluent delivered through the Reclaimed Water Distribution System (RWDS) to golf courses.

Related Policies, References:

Engineering Services Contract No. 2003-007-COS, approved by City Council on February 3, 2003.

Staff Contact(s): David M. Mansfield, General Manager, Water Resources Department, 480-312-5681, dmansfield@scottsdaleaz.gov; Greg Crossman, Sr. Water Resources Engineer, 480-312-5319, gcrossman@scottsdaleaz.gov

13. Agreement with Maricopa County for Animal Care and Control Services – OK - C

Request: Adopt Resolution No. 6483 authorizing the City of Scottsdale to enter into Intergovernmental Agreement No. 2001-030A-COS with Maricopa County for animal care and control services during Fiscal Year 2004-05.

Related Policies, References: Scottsdale City Code, Chapter 4 "Animal Control", Sections 4-31 through 4-43.

Staff Contact(s): Judy Register, Citizen and Neighborhood Resources General Manager, 480-312-2454, jregister@scottsdaleaz.gov; Molly E. Edwards, Housing Resources Manager/Mediation Program Manager, 480-312-4304, medwards@scottsdaleaz.gov

14. Federal Lobbying and Information Services Contract Extension – OK - C

Request: Approve a one-year extension of Contract Number 2003-122-COS with Carolyn C. Chaney and Associates to provide federal lobbying and information services on behalf of the City of Scottsdale for an annual compensation of \$69,300, and up to \$3,000 for reimbursable expenses incurred on behalf of Scottsdale while carrying out the terms of the contract.

Staff Contact(s): Steve Olson, Governmental Relations Director, 480-312-2423, solson@scottsdaleaz.gov

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- 15. Lease Agreement at the Scottsdale Airport Aviation Business Center for Arizona Scottsdale Network Airpark (AzSnap) – OK - C**
Request: Authorize Lease Agreement No. 2004-012-COS for the commercial office space (Suite 107/108) at the Scottsdale Airport Aviation Business Center for AzSnap to continue to provide general office space for their non-profit organization.
Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov
- 16. Lease Agreement at the Scottsdale Airport Aviation Business Center for Hague, Inc. – OK - C**
Request: Authorize Lease Agreement No. 2004-032-COS for the commercial office space (Suite 112) at the Scottsdale Airport Aviation Business Center for Hague, Inc. to continue to provide ancillary office space for their real estate business.
Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov
- 17. Public Safety Software, Software Licenses, and Maintenance Agreements – OK - C**
Request: Authorize and approve contract # 2004-043-COS (which includes the software licensing, services agreement and the software maintenance agreement) with Intergraph Public Safety for a new Computer-Aided Dispatch, Records Management System, Jail Management System, Automated Field Reporting, National Incident Based Reporting System, mobile client support, Crime Analysis and mobile access software suite. Funding in the amount of \$4,725,000 for this project was approved and made available in the 2003/04 CIP budget.
Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov; Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov; Joe Hindman, Police Tech. Director, 480-312- 5072, jhindman@scottsdaleaz.gov
- 18. Construction Bid Award for Downtown Parking Structures (Fifth Avenue and Old Town) – OK - C**
Request: Authorize Bid Award No. 04PB097, consisting of the Base Bid and Bid Alternates No. 1 and No. 2, for Phase II Building Construction for Downtown Parking Structures (Fifth Avenue and Old Town) to Smith/Woods Contracting, LLC, the lowest responsive bidder, at their total lump sum bid of \$7,340,000.
Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; Corey E. Lew, Project Manager, 480-312-7769, clew@scottsdaleaz.gov
- 19. Sale of Water Resources Surplus City Property – OK - C**
Request: Adopt Resolution No. 6480 authorizing the sale of Lot 48 Pinnacle Peak Estates Unit Two, Assessor Parcel 212-01-124 (the "Foothills Property"), located at 8102 East Foothills Drive, Scottsdale, Arizona, to Brian and Kimberly Oliver in the amount of \$256,000.
Related Policies, References:
Scottsdale Revised Code Section 2-221(a) allows the City to sell property to the highest and best bidder, but the City Council shall have the right to reject any and all bids.
Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; David Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

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- 20. Architectural Services for Vista del Camino Renovation and Expansion Design – OK - C**
Request: Authorize Architectural Services Contract No. 2004-041-COS with OWP/P Architects, in the amount of \$358,385 for the design of the Vista del Camino Renovation and Expansion.
Related Policies, References:
FY 2003/04 Capital Improvement Plan
Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; Doreen Song, P.E., Project Manager, 480-312-2367, dsong@scottsdaleaz.gov
- 21. Three-year Lease for the Community Assistance Office – OK - C**
Request: Adopt Resolution No. 6485 authorizing Agreement No. 2004-038-COS with Carolyn A. Stout to lease office space at 7515 East First Street in Scottsdale for the City's Community Assistance Office.
Related Policies, References:
 - Resolution No. 5906 authorizing Lease Agreement No. 2001-126-COS was adopted September 4, 2001.
 - Resolution No. 5153 authorizing Lease Agreement No. 980124 was adopted September 14, 1998.
 - Lease Agreement Nos. 930065 and 930066 were approved by the City Council September 20, 1993.Debra Baird, Community Services General Manager, 480-312-2377, dbaird@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov
- 22. Construction Bid Award for Scottsdale Road, Phase Two, from McCormick Parkway To Gold Dust Avenue and Approval of 69 kV Underground Corridor Agreement – OK - C**
Requests:
 1. Authorize Construction Bid Award No. 04PB070 to Hunter Contracting, Inc., the lowest responsive bidder, at their total unit price bid of \$5,900,082.26.
 2. Authorize Agreement No. 2004-087-COS with Arizona Public Service Company to establish and maintain a protected underground conductor corridor for converted 69 kV power lines.**Related Policies, References:**
 - Intergovernmental Agreement (IGA) No. 96-0001 between City of Scottsdale (city) and Town of Paradise Valley (town) (approved 2/5/96 by Scottsdale City Council).
 - Amendment to IGA No 96-001A which established responsibilities for under grounding of the existing 69kV electrical power line between the city and the town (approved 12/9/02 by Scottsdale City Council and approved 12/19/02 by Paradise Valley Town Council).
 - De-annexation Ordinance (approved 11/7/02 by Paradise Valley Town Council and approved 12/9/02 by Scottsdale City Council).
 - On January 6, 2003 the City Council approved Construction Bid Award No. 03PB041 to Achen-Gardner Engineering, LLC for the Utility Phase of the project.
 - On April 14, 2003 the City Council approved Construction Bid Award No. 03PB073 to Hunter Contracting Co. for Phase 1 of this project.**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Alex McLaren, Construction and Design Director, 480-312-7099, amclaren@scottsdaleaz.gov

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23. Two Engineering Services Contracts for the Design of Roadway Capacity Improvements and Traffic Calming Projects – OK - C

Requests:

1. Authorize Engineering Services Contract No. 2004-021-COS with Carter Burgess, in the amount of \$249,800 for the design of roadway capacity and traffic calming improvements.
2. Authorize Engineering Services Contract No. 2004-022-COS with Stanley Consultants, in the amount of \$265,587.83 for the design of roadway capacity and traffic calming improvements.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; Chris Perkins, Project Coordinator, 480-312-7845, cperkings@scottsdaleaz.gov

24. Renewal of Contract with AYERS & BROWN, P.C., for Legal Services – OK - C

Request: Adopt Resolution No. 6484 authorizing the Mayor to execute Contract No. 2004-035-COS, an outside counsel contract in a maximum amount of one hundred and fifty thousand dollars (\$150,000.00), with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in *City of Scottsdale v. Edmunds-Toll Construction Company*, CV2004-001025, a condemnation action brought to acquire property for McDowell Sonoran Preserve gateway.

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

25. Settlement of David W. Sweet v. City of Scottsdale – OK - C

Request: Consider authorization of the Mayor to approve settlement agreement for \$80,000 for a claim filed against the City by David W. Sweet in connection with a police dog bite received on July 30, 2003.

Related Policies, References: Settlement Agreement No. 2004-088-COS

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Deborah W. Robberson, Deputy City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Michael Mason, Risk Management Claims Manager, 480-312-2490, mmason@scottsdaleaz.gov

26. Settlement of Jones v. City of Scottsdale – OK - C

Request: Consider approval of settlement of \$30,000 in lawsuit filed against the City, *Jones v. City of Scottsdale*, Cause No. CV 2002-006533, Maricopa County Superior Court.

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; R. Scott Currey, Assistant City Attorney, 480-312-2405, scurrey@scottsdaleaz.gov; Michael Mason, Risk Management Claims Manager, 480-312-7040, mmason@scottsdaleaz.gov

27. Authorize Joint Representation and Cost Sharing Agreement with Other Legal Entities – OK - C

Request: Consider approval of Resolution No. 6495 authorizing the Mayor to enter into Intergovernmental Agreement (IGA) No. 2004-091-COS between the City of Scottsdale and other legal entities for the joint representation and defense of a tax refund protest filed by a taxpayer currently pending in the Municipal Tax Hearing Office.

Staff Contact(s): Joseph R. Bertoldo, 480-312-2405, jbortoldo@scottsdaleaz.gov; Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

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*****28. Proposed Settlement Agreement with Happy Peak, Inc. – CONTINUED TO LATER DATE - 7/0**

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbertoldo@scottsdaleaz.gov;
Donna Bronski, 480-312-2624, dbronski@scottsdaleaz.gov

29. Scottsdale's Convention and Tourism Destination Marketing Program – OK - C

Request: As recommended unanimously by the Tourism Development Commission at their April 20, 2004 meeting, Council is requested to approve Contract No. 2004-086-COS, the "Destination Marketing Services Agreement between the City of Scottsdale and the Scottsdale Convention and Visitors Bureau, Inc." (SCVB) authorizing \$5,109,120 for provision of these services during Fiscal Year 2004-05.

Related Policies, References: City of Scottsdale Ordinances No. 2045 and 2049/2702 (amended) provide for funding of a destination marketing program on behalf of the City and the Scottsdale Tourism Industry from the City's bed tax revenues.

Staff Contact(s): David Roderique, General Manager, 480-312-7601, droderique@scottsdaleaz.gov;
Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, koconnor@scottsdaleaz.gov

30. Tourism Development Commission and Transient Lodging (Bed Tax) – OK - C

Requests: Increase funds for tourism marketing by

1. Adopt Ordinance No. 3576 (Attachment No. 1) amending Section 447, Article IV, Appendix E of the Scottsdale Revised City Code, relating to transient lodging taxes (i.e. bed taxes).
2. Adopt Ordinance No. 3577 (Attachment No. 2) updating the Scottsdale Revised City Code, Division 5, Tourism Development Commission, Chapter 2, Administration, relating to the Tourism Development Commission.

Adoption of these ordinances will: a) increase the percentage of tourism development funds from the bed tax to 80 percent from the current 66.7 percent; and b) clarify the ordinance to update Tourism Development Commission procedures.

Staff Contact(s): David Roderique, General Manager, 480-312-7601, droderique@scottsdaleaz.gov;
Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, koconnor@scottsdaleaz.gov

*****30A. Amendment to Development Agreement No. 2004-026-COS with the Arizona State Land Department and Edmunds-Toll Construction Company – OK - C**

Request: Adopt Resolution No. 6497 to approve amendment No. 1 to Development Agreement 2004-026-COS among the City, the Arizona State Land Department and Edmunds-Toll Construction Company for the purpose of making certain technical, non-substantive changes to the original Development Agreement, and to extend the time for final approval of the preliminary plat to May 20, 2004.

Related policies, references: Development Agreement No. 2004-026-COS dated April 1, 2004.

Staff contact(s): Robert J. Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2659, bwashburn@scottsdaleaz.gov

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

31. Public Hearing and Adoption of Rates and Fees Ordinance and Resolutions – OK 7/0 Requests:

1. ACCEPT citizen comments at a public hearing regarding proposed rates and fees.
2. ADOPT Resolution No. 6482 and Ordinance No. 3568 amending Scottsdale Revised Code, Chapter 49, increasing water rate revenues 2.5 percent effective November 1, 2004, increasing wastewater rate revenues 3.0 percent effective July 1, 2004, and increasing the environmental water quality charge 1.0 percent, effective July 1, 2004.
3. ADOPT Resolution No. 6491, authorizing Amendment No. 10 into the Cost-Sharing and Land Use Agreement between the Bureau of Reclamation (BOR) and the City of Scottsdale (City). No rate or fee increases are proposed for WestWorld in fiscal year (FY) 2004/05. Amendment No. 10 simply gives the City annual adjustment authority for fees up to five percent (5.0%) at WestWorld without BOR approval to address inflationary and market conditions (rate and fee indexing). Amendment 10 also gives the City the authority to implement a fifty-cent (\$0.50) per ticket user fee surcharge on all event tickets priced under twenty dollars (\$20.00) and a one dollar (\$1.00) per ticket user fee surcharge on all event tickets priced twenty dollars (\$20.00) and higher for all events that impose an entrance fee at the WestWorld facility. Revenue generated from the ticket surcharge will be restricted to finance capital improvements as part of WestWorld's \$90.0 million Updated Master Plan and to offset estimated annual debt service costs and General Fund burden of \$2.2 million related to bond issuance.

Related Policies, References

- Resolution No. 6288: A Resolution of the City of Scottsdale, Arizona, Establishing Financial Policies Section 1. Operating Management Policy Number 8: "Enterprise (Water, Sewer, Solid Waste Management, and Airport) user fees and charges will be examined annually to ensure that they recover all direct and indirect costs of service and be approved by City Council." "Rate adjustments for enterprise operations will be based on five-year fund plans."
- Resolution No. 6288: A Resolution of the City of Scottsdale, Arizona, Establishing Financial Policies Section 1. Operating Management Policy Number 9: "All non-enterprise user fees and charges will be examined annually to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council."

Item No. 31 Continued from previous page

- Water and Wastewater Rates, Scottsdale Revised Code, Chapter 49
- Ordinance No. 2022, July 18, 1988, establishing a process for setting fees and charges for City recreation facilities, equipment, and programs.
- Cost Sharing and Recreational Land Use Agreement For Use of the WestWorld Property Between the United States Bureau of Reclamation (BOR) and the City of Scottsdale (Agreement), dated July 29, 1982. Article IV, Section A of the Agreement requires that “not less often than every five years, the parties will review [the] fee schedule and, upon request of either, renegotiate the schedule.”
- Scottsdale Golf Complex Fee Adjustment Policy, adopted December 1996, regarding Contract L0213, Article 4, Fees and Charges, authorizing the City of Scottsdale to increase rates up to five percent (5.0%) without BOR approval.
- Updated WestWorld Master Plan, City Ordinance No. 3494, March 4, 2003.
- Superior Court Administrative Order 2002-096, issued October 28, 2002.
- City of Scottsdale Revised Code, Chapter 20; Ordinance No. 2022 and Resolution No. 6314, approved June 16, 2003.
- Building and Development Fee Schedule, Scottsdale Revised Code, Chapter 46

Staff Contact: Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@ScottsdaleAZ.gov

32. Second Public Hearing on the Fiscal Year 2004-05 Operating Budget and Capital Improvement Plan – **OK 7/0**

Requests:

1. Solicit public testimony on the FY 2004/05 Operating Budget and Capital Improvement Plan.
2. Adopt Ordinance No. 3573, the Tentative Budget estimates for FY 2004/05.

The City Council receives public input relative to the proposed FY 2004/05 Operating Budget and Capital Improvement Plan, and adopts the Tentative Budget estimates in accordance with Arizona State Statutes and the City Charter.

Staff Contact(s): Craig Clifford, General Manager, 480-312-2364, CCLifford@ScottsdaleAz.gov; Art Rullo, Budget Director, 480-312-2435, ARullo@ScottsdaleAz.gov

33. South Bank Canal Mixed Use Development with Public Underground Parking Garage –

OK 7/0

Requests:

1. Adopt Resolution No. 6479 authorizing the Mayor to execute Development Agreement No. 2004-034-COS for this project at Stetson Drive and Sixth Avenue along the south bank of the Canal.
2. Authorize Construction Modification to Bid Award No. 03PB034, Arizona Canal Banks Phase 1- Marshall Way, to Archon Construction, Inc. to construct a Parking Garage under Marshall Way Plaza.
3. Authorize a payment of approximately \$70,000 to Arizona Public Service to temporarily relocate overhead electric line during construction of Parking Garage under Marshall Way Plaza.

Related Policies, References:

- Extension of Downtown Fee Reduction Program, adopted April, 2004
- 5th Avenue Parking Structure, contract approval April, 2004
- Specialty Retail District Incentive Program, adopted October, 2003, Resolution No. 6424
- Downtown Fee Reduction Program, adopted January, 2003, Resolution No. 6238
- Canal Bank Improvements, adopted December 8, 2003, Bid Award No. 04PB034
- Economic Vitality Strategic Plan, approved December, 2002
- Downtown Vision Principles, adopted February, 2002

Staff Contact(s): Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov; Laurel Edgar, Revitalization Manager, 480-312-7313, ledgar@scottsdaleaz.gov

34. Hotel Valley Ho Historic Preservation Plan and Development Standard Amendments –

OK 7/0 WITH ADDITIONAL STIPULATION

Requests:

1. Approve the amended Hotel Valley Ho Historic Preservation (HP) Plan for the amended building height in the Development Assistance category on Page 10, and
2. Approve an amended development standard in Highway Commercial (C-3) and Downtown Overlay (DO) for the Hotel Valley Ho for building height for the tower building only, and
3. Adopt Ordinance No. 3572 affirming the amended HP Plan and amended development standard for building height for the Hotel Valley Ho on a 8.86 +/- acre parcel located at 6850 E. Main Street with Highway Commercial, Historic Property, Downtown Overlay (C-3 HP DO) zoning.

Location: 6850 E. Main Street

Reference: 7-ZN-2002#3/2-HP-2004

Staff Contact(s): Robert Cafarella, AICP, Preservation Director, 480-312-2523, rcafarella@scottsdaleaz.gov; Don Meserve, Preservation Planner, 480-312-2523, dmeserve@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

35. Scottsdale City Treasurer – OK 7/0 - To PERMANENTLY APPOINT THE CITY MANAGER AS THE CITY TREASURER

Request: Consider and assess position and appointment of Scottsdale City Treasurer.

Related Policies, References: Scottsdale Revised City Code Article IV, Sections 2-92, 2-131, 2-132 and Scottsdale City Charter Article 4, Sections 1 and 3.

Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Donna Bronski, Assistant City Attorney, 480-312-2624, dbronski@scottsdaleaz.gov

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - None

Adjournment – 8:26 P.M.

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:30 P.M., or immediately following the 5:00 P.M. Meeting. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.